

APPEAL NO. 031690
FILED AUGUST 15, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 10, 2003. With respect to the issue before him, the hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the third quarter, which ran from March 1 through May 30, 2003. The appellant (carrier) appealed, arguing that the determination that the claimant is entitled to SIBs for the third quarter is not supported by sufficient evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The requirements for entitlement to SIBs are set out in Section 408.142 and in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The parties stipulated that the claimant sustained a compensable injury on _____; that the claimant has a 23% impairment rating; and that the qualifying period for the third quarter of SIBs was from November 16, 2002, to February 14, 2003. With regard to the required "good faith effort," the hearing officer was satisfied that the claimant proved that he looked for work commensurate with his ability to work during every week of the qualifying period at issue and that he documented his job search efforts. The hearing officer was also persuaded that the claimant's unemployment during the qualifying period for the third quarter of SIBs was a direct result of the impairment from the compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established (Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). Nothing in our review of the record reveals that the hearing officer's good faith and direct result determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Thus, no sound basis exists for us to reverse those determinations, or the determination that the claimant is entitled to SIBs for the third quarter, on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the self-insured is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Margaret L. Turner
Appeals Judge